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OFFICE OF PETITIONS

In re Application of
Tsutomu Takahashi et al.
Application No. 09/050,946
Filed: March 31, 1998
Attorney Docket No. 501.36088X00

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed September 9, 2011 which is treated under 37 CFR 1.181.¹

The petition under 37 CFR 1.181 is **GRANTED**.

A Notice of Allowance was mailed March 1, 1999. Payment of the issue fee was due not later than June 1, 1999. The application became abandoned June 2, 1999 for failure to timely pay the issue fee. Accordingly, a Notice of Abandonment was mailed November 3, 1999.

Petitioners argue that on June 1, 1999, the Issue Fee was paid although with an incorrect application number and thus the application became abandoned. Notwithstanding, petitioners argue that while the incorrect application number was included, other identifiers were present. Submitted as proof is a copy of the Issue Fee Transmittal and a postcard receipt date stamped on June 1, 1999 by the USPTO.

While the requirement for filing papers with the USPTO is that every paper bear an appropriate application no. or identifier, petitioner is correct that other identifiable information was found to be on the papers filed as the response. As such, the papers were not previously matched with the correct application and thus it appeared that the response was not timely.

A review of the file reveals that the response filed June 1, 1999 was filed in the wrong application file. However, the evidence submitted corroborates a timely submission of the Issue Fee. Accordingly, the Notice of Abandonment mailed November 3, 1999 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

¹A review of the record reveals that a petition to withdraw the holding of abandonment was filed November 23, 1999 however no decision was rendered and as such, the instant petition was resubmitted.

This matter will be referred to the Publishing Division to be processed into a Patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
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